

SSB 5963 - H AMD TO CL COMM AMD (H-2961.2/09) **555**

By Representative Conway

OUT OF ORDER 4/09/2009

1 On page 25 of the striking amendment, after line 6, insert the
2 following:

3
4 "Sec. 5. RCW 50.22.010 and 1993 c 483 s 15 are each amended to
5 read as follows:

6 As used in this chapter, unless the context clearly indicates
7 otherwise:

8 (1) "Extended benefit period" means a period which:

9 (a) Begins with the third week after a week for which there is an
10 "on" indicator; and

11 (b) Ends with the third week after the first week for which there
12 is an "off" indicator: PROVIDED, That no extended benefit period
13 shall last for a period of less than thirteen consecutive weeks, and
14 further that no extended benefit period may begin by reason of an "on"
15 indicator before the fourteenth week after the close of a prior
16 extended benefit period which was in effect with respect to this
17 state.

18 (2) There is an "on" indicator for this state for a week if the
19 commissioner determines, in accordance with the regulations of the
20 United States secretary of labor, that for the period consisting of
21 such week and the immediately preceding twelve weeks:

22 (a) The rate of insured unemployment, not seasonally adjusted,
23 equaled or exceeded one hundred twenty percent of the average of such
24 rates for the corresponding thirteen-week period ending in each of the
25 preceding two calendar years and equaled or exceeded five percent; or

26 (b) For benefits for weeks of unemployment beginning after March
27 6, 1993:

1 (i) The average rate of total unemployment, seasonally adjusted,
2 as determined by the United States secretary of labor, for the period
3 consisting of the most recent three months for which data for all
4 states are published before the close of the week equals or exceeds
5 six and one-half percent; and

6 (ii) The average rate of total unemployment in the state,
7 seasonally adjusted, as determined by the United States secretary of
8 labor, for the three-month period referred to in (b)(i) of this
9 subsection, equals or exceeds one hundred ten percent of the average
10 for either or both of the corresponding three-month periods ending in
11 the two preceding calendar years.

12 (3) "High unemployment period" means any period of unemployment
13 beginning after March 6, 1993, during which an extended benefit period
14 would be in effect if:

15 (a) The average rate of total unemployment, seasonally adjusted,
16 as determined by the United States secretary of labor, for the period
17 consisting of the most recent three months for which data for all
18 states are published before the close of the week equals or exceeds
19 eight percent; and

20 (b) The average rate of total unemployment in the state,
21 seasonally adjusted, as determined by the United States secretary of
22 labor, for the three-month period referred to in (a) of this
23 subsection, equals or exceeds one hundred ten percent of the average
24 for either or both of the corresponding three-month periods ending in
25 the two preceding calendar years.

26 (4) There is an "off" indicator for this state for a week only if,
27 for the period consisting of such week and immediately preceding
28 twelve weeks, none of the options specified in subsection (2) or (3)
29 of this section result in an "on" indicator.

30 (5) "Regular benefits" means benefits payable to an individual
31 under this title or under any state law (including benefits payable to
32 federal civilian employees and to ex-servicemen pursuant to 5 U.S.C.
33 chapter 85) other than extended benefits or additional benefits.

34

1 (6) "Extended benefits" means benefits payable for weeks of
2 unemployment beginning in an extended benefit period to an individual
3 under this title or under any state law (including benefits payable to
4 federal civilian employees and to ex-servicemen pursuant to 5 U.S.C.
5 chapter 85) other than regular or additional benefits.

6 (7) "Additional benefits" are benefits totally financed by the
7 state and payable under this title to exhaustees by reason of
8 conditions of high unemployment or by reason of other special factors.

9 (8) "Eligibility period" of an individual means:

10 (a) The period consisting of the weeks in his or her benefit year
11 which begin in an extended benefit period that is in effect in this
12 state and, if his or her benefit year ends within such extended
13 benefit period, any weeks thereafter which begin in such period; or

14 (b) For an individual who is eligible for emergency unemployment
15 compensation during the extended benefit period beginning February 15,
16 2009, the period consisting of the week ending February 28, 2009,
17 through the week ending May 29, 2010.

18 (9) "Additional benefit eligibility period" of an individual means
19 the period consisting of the weeks in his or her benefit year which
20 begin in an additional benefit period that is in effect and, if his or
21 her benefit year ends within such additional benefit period, any weeks
22 thereafter which begin in such period.

23 (10) "Exhaustee" means an individual who, with respect to any week
24 of unemployment in his or her eligibility period:

25 (a) Has received, prior to such week, all of the regular benefits
26 that were payable to him or her under this title or any other state
27 law (including dependents' allowances and regular benefits payable to
28 federal civilian employees and ex-servicemen under 5 U.S.C. chapter
29 85) in his or her current benefit year that includes such week; or

30 (b) Has received, prior to such week, all of the regular benefits
31 that were available to him or her under this title or any other state
32 law (including dependents' allowances and regular benefits available
33 to federal civilian employees and ex-servicemen under 5 U.S.C. chapter
34 85) in his or her current benefit year that includes such week, after

1 the cancellation of some or all of his or her wage credits or the
2 total or partial reduction of his or her rights to regular benefits:
3 PROVIDED, That, for the purposes of (a) and (b), an individual shall
4 be deemed to have received in his or her current benefit year all of
5 the regular benefits that were payable to him or her, or available to
6 him or her, as the case may be, even though:

7 (i) As a result of a pending appeal with respect to wages or
8 employment, or both, that were not included in the original monetary
9 determination with respect to his or her current benefit year, he or
10 she may subsequently be determined to be entitled to more regular
11 benefits; or

12 (ii) By reason of the seasonal provisions of another state law, he
13 or she is not entitled to regular benefits with respect to such week
14 of unemployment (although he or she may be entitled to regular
15 benefits with respect to future weeks of unemployment in the next
16 season, as the case may be, in his or her current benefit year), and
17 he or she is otherwise an exhaustee within the meaning of this section
18 with respect to his or her right to regular benefits under such state
19 law seasonal provisions during the season or off season in which that
20 week of unemployment occurs; or

21 (iii) Having established a benefit year, no regular benefits are
22 payable to him or her during such year because his or her wage credits
23 were canceled or his or her right to regular benefits was totally
24 reduced as the result of the application of a disqualification; or

25 (c) His or her benefit year having ended prior to such week, he or
26 she has insufficient wages or employment, or both, on the basis of
27 which he or she could establish in any state a new benefit year that
28 would include such week, or having established a new benefit year that
29 includes such week, he or she is precluded from receiving regular
30 benefits by reason of the provision in RCW 50.04.030 which meets the
31 requirement of section 3304(a)(7) of the Federal Unemployment Tax Act,
32 or the similar provision in any other state law; and

33 (d)(i) Has no right for such week to unemployment benefits or
34 allowances, as the case may be, under the Railroad Unemployment

1 Insurance Act, the Trade Expansion Act of 1962, and such other federal
2 laws as are specified in regulations issued by the United States
3 secretary of labor; and

4 (ii) Has not received and is not seeking for such week
5 unemployment benefits under the unemployment compensation law of
6 Canada, unless the appropriate agency finally determines that he or
7 she is not entitled to unemployment benefits under such law for such
8 week.

9 (11) "State law" means the unemployment insurance law of any
10 state, approved by the United States secretary of labor under section
11 3304 of the internal revenue code of 1954."

12
13 Renumber the sections consecutively and correct any internal
14 references accordingly.

15
16 On page 25, after line 20, insert the following:

17
18 "NEW SECTION. Sec. 8. Section 5 of this act is necessary for the
19 immediate preservation of the public peace, health, or safety, or
20 support of the state government and its existing public institutions,
21 and takes effect immediately."

EFFECT: Modifies the eligibility period for extended benefits for
certain individuals who are eligible for emergency unemployment
compensation. Adds an emergency clause applicable to the section
relating to extended benefits.

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